

Application No: 10/508,738
Response dated April 13, 2007
Reply to Office Action of February 13, 2007

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REMARKS

Claims 1-38 are pending in the application. Claim 1 is cancelled. Claims 2-4, 7-11, 16-18, 21 and 30 are amended.

In response to the Restriction Requirement mailed February 13, 2007, Applicants provisionally elect, albeit with traverse to prosecute the claims of Group I, namely claims 1 to 17 directed to an anti-cancer vaccine composition and elects:

- Whole-cell vaccine in claim 2;
- Breast cancer in claims 7 and 8;
- Taxane in claim 9 and Paclitaxel in claim 10;
- Biological response modifier in claim 12;
- Polysaccharides in claim 16;
- Adjuvant that creates a local reservoir of drug in claim 17;
- Adjuvant that creates a depot effect in claim 29.

Applicants however respectfully disagree that Group I and Group II are not so linked as to form a single general inventive concept in view of the teachings of Emens et al.

Claim 1 has been cancelled. Claim 3, as amended, is not anticipated by Emens et al. Emens et al. describes a cancer vaccine that is a whole-cell tumor vaccine genetically modified to secrete GM-CSF, whereas in the present application, the cancer vaccine composition comprises inactivated tumor cells. These cells will not replicate and will not secrete GM-CSF.

It is therefore respectfully submitted that there is a single invention and that the Groups I and II should be rejoined.

Withdrawal of the Restriction Requirement and examination of claims 1-38 on the merits are therefore respectfully requested.

It is submitted therefore that the claims are in condition for allowance. Reconsideration of the Examiner's rejections are respectfully requested. Allowance of claims 1 to 38 at an early date is

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solicited.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

No additional fees are believed to be necessitated by this Amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 03-0172 for any underpayment or to credit any overpayment.

Respectfully submitted,

Date: April 13, 2007

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I hereby certify that this paper is being facsimile transmitted to the
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Kristin J. Frost
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April 13, 2007
Date